

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Case No.: 2:20-cr-00237-APG-DJA

Plaintiff

Order Denying Emergency Motion for Temporary Release from Custody

V.

JUSTIN LEE TRIPP,

Defendant

[ECF No. 72]

Defendant Justin Tripp filed an emergency motion seeking temporary release from custody so he could visit his dying mother. ECF No. 72. The Government opposes.

Tripp pleaded guilty to Conspiracy to Commit Bank Fraud and Aggravated Identity Theft. ECF No. 70. He is awaiting sentencing, so there is a presumption that he remain detained.

[T]he judicial officer shall order that a person who has been found guilty of an offense and who is awaiting imposition or execution of sentence, . . . be detained, unless the judicial officer finds by clear and convincing evidence that the person is not likely to flee or pose a danger to the safety of any other person or the community if released

18 U.S.C. § 3143(a). Thus, Tripp must demonstrate by clear and convincing evidence that he is not likely to flee or pose a danger. He has not met this heavy burden.

When Tripp was arrested in this case, he assaulted police officers, took one of their stun guns, and attempted to flee. He had a 9mm pistol and 17 rounds of ammunition hidden in the stolen truck he was driving. As a result of those actions, he pleaded guilty in Nevada state court to felony Unlawful Possession of an Electronic Stun Device and felony Resisting a Police Officer With Use of a Dangerous Weapon. Tripp has prior convictions in Washington for attempting to flee from police, domestic violence, aggravated identity theft, and unlawful production of identification documents.

1 At the time of his arrest here, Tripp was on supervised release following a federal
2 conviction. He violated the release conditions by absconding, possessing and using
3 controlled substances, failing to report, failing to take drug tests and attend drug
4 treatment, traveling outside the district without permission, and committing the crimes at
5 issue here and in the related Nevada state court proceeding. He has twice been convicted
6 in Washington state court for violating court orders in connection with domestic violence.
7 There are warrants out for his arrest in Washington.

8 Tripp proposes to have Brook Peters serve as his third-party custodian. Tripp was
9 previously convicted of domestic violence against Ms. Peters. *See* ECF No. 76 at 2, n.2.
10 It does not make sense to put Tripp in such close confines with his prior victim. That
11 would create too great a risk of violence. And as the Government points out, as a
12 domestic violence victim Ms. Peters may be intimidated by Tripp into not reporting
13 violations of release conditions.

14 There is little assurance Tripp will comply with release conditions I impose and
15 voluntarily surrender back into custody after visiting his mother. He has a history of
16 violating court orders and conditions of supervised release, absconding from supervision,
17 fleeing from police, and violently resisting arrest. He is facing a significant sentence in
18 this case. Given all that, he remains a flight risk and a danger to the community.

19 It is unfortunate that Tripp's mother must suffer some of the consequences of
20 Tripp's criminal actions. But I cannot order him temporarily released from custody based
21 on the factors in 18 U.S.C. § 3143(a).

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23 ////

1 I THEREFORE ORDER that the defendant's motion for temporary release from
2 custody (**ECF No. 72**) is **DENIED**.

DATED this 22nd day of October, 2020.



ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE